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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,120	05/30/2000	SHRIRAM BAGRODIA	05015.0302	1838

6980 7590 08/26/2003

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EXAMINER

WYROZEBSKI LEE, KATARZYNA I

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/583,120

Applicant(s)

BAGRODIA ET AL.

Examiner

Katarzyna Wyrozebski Lee

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on interview 8/7/2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-14,18,19,22 and 30-48 is/are pending in the application.
- 4a) Of the above claim(s) 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-14,18,22 and 30-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1,3-10,12-14,18,19,22 and 30-48 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☒ Interview Summary (PTO-413) Paper No(s) 23
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

In the light of the interview conducted on 8/7/2003 following non-final office action has been necessitated.

The applicants have submitted a copy of an amendment filed under 37 CFR paragraph 1.312 by inventors of now patented invention 09/896,961 requesting cancellation of the claims reciting exfoliation of the clay component. Cancellation of these claims obviated double patenting rejection, since the amendment was entered into the related application 09/896,961.

During the interview with Ms. Jackie Haley, the examiner indicated that although the double patenting rejection has been overcome, the claims would not be allowable over the prior art of record. The reason why 09/896,961 has been allowed, was because claims were further limited to specific types of the polyamides. Since present independent claims 1 and 36 recite generic polyamide polymer, the properties of the composition resulting from the combination of the prior art of Pinnavaia and Cleary are expected to be the same as those properties resulting from the present invention. In addition, independent claims 22 and 30 recite no specific polymer either, therefore any polymer can satisfy claims 22 and 30 of the present invention.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 5-10, 13, 14, 22, 30, 32, 34-36, 38, 40-43, 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinnavaia (US 6,017,632,) in view of Cleary (US 6,050,509).

The discussion of the disclosure of the prior art of Pinnavaia and Cleary from paragraph 4 of the office action mailed on 11/18/2002 is incorporated here by reference.

3. Claims 3, 4, 12, 18, 31, 33, 37, 39, 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinnavaia (US 6,017,632,) in view of Cleary (US 6,050,509) as applied to claims 1, 5-10, 13, 14, 22, 30, 32, 34-36, 38, 40-43, 46-48 above, and further in view of Maxfield (US 94/11430).

The discussion of the disclosure of the prior art of Pinnavaia and Cleary from paragraph 4 of the office action mailed on 11/18/2002 and the prior art of Maxfield from paragraph 10 of the office action mailed on 10/29/2001 is incorporated here by reference

4. Claims 3, 4, 13, 18, 22, 30, 31, 33, 37, 39, 44, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinnavaia (US 6,017,632,) in view of Cleary (US 6,050,509) as applied to claims 1, 5-10, 13, 14, 22, 30, 32, 34-36, 38, 40-43, 46-48 above, and further in view of Beal (US 5,552,469).

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The discussion of the disclosure of the prior art of Pinnavaia and Cleary from paragraph 4 of the office action mailed on 11/18/2002 and the prior art of Beal from paragraph 9 of the office action mailed on 10/29/2001 is incorporated here by reference

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katarzyna Wyrozebski Lee whose telephone number is (703) 306-5875. The examiner can normally be reached on Mon-Thurs 6:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (703) 306-2777. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

KIWL
August 12, 2003

EDWARD J. CAIN
PRIMARY EXAMINER
GROUP 1500

